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Attorneys for Plaintiff
FARIBA Z. MADISON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FARIBA Z. MADISON,

Plaintiff,

v.

U.S. BANCORP, U.S. BANCORP
INVESTMENTS, INC. and U.S. BANCORP
INVESTMENT SERVICES, LLC, and DOES
1 through 10, inclusive,

Defendants.

Case No: CV 14-4934-EMC

CLASS ACTION

**JOINT STIPULATION IN SUPPORT OF
PLAINTIFF'S MOTION FOR
ADMINISTRATIVE RELIEF**

[Local Rule 7-11]

Ctrm: 5, 17th Floor
Judge: Edward M. Chen

Action Filed: September 23, 2014
Removed: November 6, 2014

Plaintiff Fariba Z. Madison (“Plaintiff”) and Defendants U.S. Bancorp, U.S. Bancorp Investments, and U.S. Bancorp Insurance Services, LLC’s (“Defendants”), by and through their respective counsel, hereby stipulate as follows:

WHEREAS, Plaintiff filed a motion for remand on December 2, 2014, on the ground that the amount in controversy does not exceed \$75,000 (Docket No. 20);

WHEREAS, Defendants’ motion to dismiss and motion to compel arbitration, along with the related administrative motion to file under seal, were filed on November 13, 2014, re-noticed on November 21, 2014 (after this matter was reassigned to the Honorable Edward M. Chen), and are currently set for hearing on January 15, 2015 (Docket Nos. 8, 10, 11, 15, 16, 17, and 19);

WHEREAS, Plaintiff requests that the threshold issue of the Court’s subject matter jurisdiction over this action should be decided first, before Defendants’ pending motions, and Defendants have stated they will not contest Plaintiff’s request. *See Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 94, 118 S. Ct. 1003, 1012, 140 L. Ed. 2d 210 (1998); *Ruhrigas AG v. Marathon Oil Co.*, 526 U.S. 574, 576, 119 S.Ct. 1563, 1566, 143 L.Ed.2d 760 (1999); *Potter v. Hughes*, 546 F.3d 1051, 1061 (9th Cir. 2008);

WHEREAS, the Plaintiff and Defendants (collectively, the “Parties”) agree that the remaining briefing schedule on Defendants’ motion to dismiss and motion to compel arbitration and the hearing on Defendants’ motion to dismiss, motion to compel arbitration, and administrative motion to seal should be continued until after the Court issues its order on Plaintiff’s motion to remand and that a continuance will preserve resources and promote judicial efficiency;

WHEREAS, Plaintiff agrees that Defendants’ decision to not contest Plaintiff’s request for a continuance of the briefing schedule on Defendants’ motion to dismiss and motion to compel arbitration and the hearing on Defendants’ motion to dismiss, motion to compel arbitration, and administrative motion to seal, as well as their consent to this Stipulation, shall not constitute a waiver of their right to compel arbitration;

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WHEREAS, the Parties agree that, in the event the Court denies Plaintiff's motion to remand, Plaintiff's opposition briefs responding to Defendants' motion to dismiss and motion to compel arbitration will be due seven (7) days after the Court issues its order denying Plaintiff's motion to remand.

NOW THEREFORE, the Parties jointly request that the Court enter an order continuing the briefing on Defendants' motion to dismiss and motion to compel arbitration until after the Court issues its order on Plaintiff's motion to remand and ordering that, if Plaintiff's motion to remand is denied, Plaintiff's oppositions to Defendants' motion to dismiss and motion to compel arbitration will be due seven (7) days after for the Court enters the order denying Plaintiff's motion to remand and Defendants' reply briefs in support of their motion to dismiss and motion to compel arbitration will be due fourteen (14) days after the Court issues the order denying Plaintiff's motion to remand. The Parties further agree and request that, in the event the Court denies Plaintiff's motion to remand, the Court enter an order allowing Defendants to reset their motion to dismiss, motion to compel arbitration, and administrative motion to seal for a hearing date no earlier than fourteen (14) days after Defendants' deadline to file their replies in support of their motion to dismiss and motion to compel arbitration.

Dated: December 2, 2014

KELLER GROVER LLP

By: /s/ Eric A. Grover
 ERIC A. GROVER

Counsel for Plaintiff

Dated: December 2, 2014

K&L GATES LLP

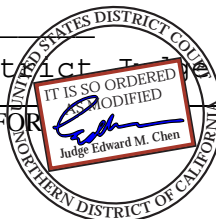
IT IS SO ORDERED that the Motion to Dismiss and Motion to Compel Arbitration shall be heard on 2/19/15 at 1:30 p.m. Oppositions due 1/22/15. Replies due 1/29/15.

By: /s/ Christina N. Goodrich
 PAUL W. SWEENEY, JR.
 CHRISTINA N. GOODRICH

Counsel for Defendants

Edward M. Chen, US District Judge

JOINT STIPULATION ISO MOTION FOR
 ADMINISTRATIVE RELIEF



CASE NO. CV 14-4934-EMC